

In re application of:
Geoffrey B. Rhoads
Application No.: 09/538,493

Art Unit: 2137
Confirmation No.: 8045

Filed: March 30, 2000

VIA Electronic Filing

For: METHODS FOR INSERTING AND
DETECTING WATERMARKS IN
DIGITAL DATA

Examiner: M. Smithers

Date: August 16, 2006

Petition Under 37 CFR 1.103(a) for a Suspension of Action

Mail Stop Amendments
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We respectfully petition for a 6 month suspension of action under 37 CFR 1.103(a).

The present application includes claims copied from U.S. Patent No. 5,889,868 (hereafter referred to as the "Moskowitz patent"); the Examiner has allowed all of the copied claims presently under consideration.

We recently submitted an Amendment addressing a few outstanding issues, placing this application in condition for allowance. The present application now seems poised for a recommendation of interference to the Board of Patent Appeals and Interferences.

But many claims were restricted out during prosecution of this application including claims originally copied from the Moskowitz patent and copied from related U.S. Published Patent Application No. US 2001-0029580 A1 (hereafter referred to as the "Moskowitz Application"). The Moskowitz Application claims priority back to the Moskowitz patent.

So we have recopied some of the restricted claims derived from both the Moskowitz patent and Moskowitz application into a continuation application no. 11/458,639, filed July 19, 2006.

A suspension of action in the present application is sought to provide time to examine the recopied claims in the 11/458,639 application. Such examination may also yield allowable claims *copied or substantially similar to the same Moskowitz patent* that may become subject to a second interference.

These potential different interferences will include intertwined subject matter, related expert testimony and analysis of the same priority dates, *particularly in view of the fact that they involve claims from the same Moskowitz patent*. These issues seem best decided in concurrent interferences or, ideally, in a single consolidated interference. Concurrent or consolidated interferences will provide significant resource savings for both the Patent Office and assignee, and may help avoid inconsistent results.

We respectfully submit that the above statements constitute good and sufficient reasons supporting a suspension of action; and we again request a 6 month suspension of action to allow prosecution of the 11/458,639 application.

The Examiner is respectfully invited to contact the undersigned with any questions. The Patent Office is authorized to charge our deposit account no. 50-1071 any fee needed for this Petition including the fee set forth in 37 CFR 1.17(g).

Respectfully submitted,

DIGIMARC CORPORATION

Date: August 16, 2006

CUSTOMER NUMBER 23735

Phone: 503-469-4685

FAX: 503-469-4777

By



Steven W. Stewart

Registration No. 45,133